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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,478	11/13/2000	Brian A. Vulpitta	MA-12957	7902

7590

08/10/2004

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EXAMINER

RHEE, JANE J

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/711,478	VULPITTA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jane Rhee	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. <u>8-5-04</u>  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Appeal***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Upon further review of applicant's arguments in the appeal brief filed 5/24/2004 and in view of the newly discovered art, the finality of the last office action is being withdrawn. A complete action on the merit follows:

***Rejections Withdrawn***

2. The 35 U.S.C. 103 rejection over Schonhorns in view of Martin-Cocher et al. has been withdrawn due to applicant's arguments in Paper 5/24/2004.

***Rejections Repeated***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Rabuse (2772774).

Rabuse discloses an adhesive tape product comprising a tape core having an axial width, the core being hollow with a solid outer wall, the outer wall having an outer surface which bulges outwardly at its axial center giving the core a barrel shape; and a length of adhesive having a uniform width and a length substantially greater than the width would in several turns about the core (figure 1 and figure 3).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Schonhorns (0430548) in view of Rabuse (2772774).

Schonhorns et al. discloses an adhesive tape product comprising a hollow cylindrical core (figure 5 number 10) having a diameter and a width, and an outer surface a compressible foam strip surrounding the core (figure 5 number 60), and a length of adhesive tape having a uniform width and a length substantially greater than the width wound in several forms about the core and the foam strip (col. 5 lines 9-12). Schonhorns et al. discloses that the foam strip surrounding the core in a single layer has a total thickness of 1mm (col. 5 line 14).

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Schonhorns et al. discloses that the core comprises a thin solid tubular wall (figure 5 number 10). Schonhorns et al. discloses a length of adhesive tape comprising three portions; a leader portion fixed to the core (figure 6 number 20), a foam support portion (figure 5 number 60) and a useable tape portion wherein a foam strip is fixed to the tape foam support portion (figure 6 number 20, col. 5 lines 4-6). Furthermore the foam and the tape taught by Schonhorns et al. is the equivalent function of the foam strip and usable tape portion wherein the usable tape portion is adhered and wrapped around the foam as desired by the applicant wherein the invention produces a collapsible effect by enveloping the outer surface of a non severed core with foam (col. 4 lines 56-col. 5 line 1).

Schonhorns fail to disclose that the core has an outer surface bulging outwardly near the core's axial center giving the core a barrel shape.

Rabuse teaches that the core has an outer surface bulging outwardly near the core's axial center giving the core a barrel shape for the purpose of obtaining a roll of tape that is highly resistant to telescoping (col. 3 line 4-5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Schonhorns with a an outer surface bulging outwardly near the core's axial center giving the core a barrel shape in order to obtain a roll of tape that is highly resistant to telescoping (col. 3 line 4-5).

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabuse in view of Bastian jr (3179245).

Rabuse discloses the adhesive tape product described above. Rabuse fail to disclose a compressible foam strip surround the core wherein the foam strip is 1mm thick. Rabuse fail to disclose that the foam strip has a width approximately equal to the adhesive tape width and surrounds the core in a single layer. Rabuse fail to disclose a leader portion fixed to the core, a foam portion and a usable tape portion.

Bastian Jr. teaches a compressible foam strip surround the core wherein the foam is 0.125 thick (col. 3 lines 1-3,24) wherein the foam strip has a width approximately equal to the adhesive tape width and surrounds the core in a single layer (figure 1 number 14) for the purpose of providing a tape core which would permit the pressures built up within the roll of tape during the winding operation thereof to be relieved subsequent to the winding up operation so as to overcome and avoid the phenomenon of telescoping (col. 2 line 41-45). Bastian Jr. further teaches a leader portion fixed to the core (figure 1 number 16, the beginning of the tape portion), foam portion (figure 1 number 14), and usable tape portion (figure 1 number 16 the rest of the adhesive tape portion wrapped around the core) for the purpose of providing a core structure which may be used in packaging pressure sensitive adhesive tapes whereby the effects of excessive compression or squeezing forces set up during winding of the tape may be subsequently relieved (col. 2 lines 46-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Rabuse with a compressible foam strip surround the core wherein the foam is 0.125 thick

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wherein the foam strip has a width approximately equal to the adhesive tape width and surrounds the core in a single layer in order to provide a tape core which would permit the pressures built up within the roll of tape during the winding operation thereof to be relieved subsequent to the winding up operation so as to overcome and avoid the phenomenon of telescoping (col. 2 line 41-45) as taught by Bastian Jr.

Although Bastian Jr. fail to disclose that the foam is 40 mils thick and discloses that the foam is instead 0.125 inches thick, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide the foam thickness to be 40 mils, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d, 272, 205 USPQ 215 (CCPA 1980).

Furthermore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Rabuse with a leader portion fixed to the core, foam portion, and usable tape portion in order to provide a core structure which may be used in packaging pressure sensitive adhesive tapes whereby the effects of excessive compression or squeezing forces set up during winding of the tape may be subsequently relieved (col. 2 lines 46-50) as taught by Bastian Jr.

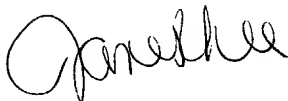
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Ahmad can be reached on 571-272-1487. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee  
August 5, 2004

 8/9/04  
NASSER AHMAD  
PRIMARY EXAMINER